

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE: **Joenette Anding**

Case No.

Debtor(s)

Chapter 13 Proceeding

☐ **AMENDED** ☐ **MODIFIED**
DEBTOR(S)' CHAPTER 13 PLAN
AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE

Creditors are hereby notified that the following Plan may be amended at any time before confirmation. Any amendment may affect your status as a creditor. The Debtor's estimate of how much the Plan will pay, projected payments, and estimates of the allowed claims may also change. The following information advises creditors of the status of the case based on the information known at the time of its preparation. Any special concerns of a creditor may justify attendance at the Meeting of Creditors and such other action as may be appropriate under the circumstances. More detailed information is on file at the Office of the United States Bankruptcy Clerk in El Paso or Waco, Texas. Local Bankruptcy Rules and Standing Orders on procedures are available at the Clerk's Office and online at www.txwb.uscourts.gov.

Use of the singular word "Debtor" in this Plan includes the plural where appropriate.

Plan Summary

- A. The Debtor's Plan Payment will be \$447.00 Monthly, paid by ☐ Pay Order or ☒ Direct Pay for 60 months. The gross amount to be paid into the plan is \$26,820.00.
- B. The Plan proposes to pay all allowed priority claims in full, all secured claims to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI below, and approximately 11% of each unsecured allowed claim.
- THIS PLAN DOES NOT ALLOW CLAIMS. YOU MUST FILE A PROOF OF CLAIM BY THE APPLICABLE DEADLINE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN THAT MAY BE CONFIRMED. CREDITORS ARE REFERRED TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE, THE LOCAL BANKRUPTCY RULES FOR THE WESTERN DISTRICT OF TEXAS, AND THE APPLICABLE STANDING ORDER RELATING TO CHAPTER 13 CASE ADMINISTRATION FOR THIS DIVISION, FOR INFORMATION ON THESE AND OTHER DEADLINES.
- C. The value of the Debtor's non-exempt assets is \$605.00.
- D. If the payment of any debt is proposed to be paid directly by the Debtor outside the Plan, it is so noted in Section VI(1), set forth below.

Plan Provisions

I. Vesting of Estate Property

- ☐ Upon confirmation of the Plan, all property of the estate shall vest in the Debtor and shall not remain as property of the estate.
- ☒ Upon confirmation of the Plan, all property of the estate shall not vest in the Debtor, but shall remain as property of the estate.
- ☐ Other (describe):

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Continuation Sheet # 1

II. Pre-Confirmation Disbursements

In accordance with the applicable Standing Order Relating to Chapter 13 Case Administration, the Debtor requests and consents to disbursement by the Chapter 13 Trustee of payments prior to confirmation of the Plan to evidence the Debtor's good faith, promote successful completion of the case, and to provide adequate protection to secured creditors. The Debtor shall remit such payments to the Trustee commencing 15 days after the filing of the petition. Provided all conditions for disbursement are met and unless otherwise ordered by the Court, the Trustee shall begin disbursing to creditors as provided below, on the first regularly scheduled disbursement after 30 days after the the petition is filed. Payments under this paragraph will cease upon confirmation of the Plan.

Creditor/Collateral	Pre-Confirmation Payment Amount	Other Treatment Remarks
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III. Executory Contracts/Unexpired Leases/Contracts for Deed

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to assume the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to reject the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
Direct TV, Inc.	TV Satelliet Service	Rejected	No

IV. Motion to Value Collateral Pursuant to 11 U.S.C. § 506

The Trustee shall pay allowed secured claims, which require the filing of a proof of claim, to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI(2), hereof, plus interest thereon at the rate specified in this Plan. Except for secured claims for which provision is made to pay the full amount of the claim notwithstanding the value of the collateral, the portion of any allowed claim that exceeds the value of the collateral shall be treated as an unsecured claim under Section VI(2)(F).

The Debtor(s) move(s) to value the collateral described below in the amounts indicated. The values as stated below represent the replacement values of the assets held for collateral, as required under Section 506(a)(2). Objections to valuation of collateral proposed by this Motion and Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely response or objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan.

Creditor / Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks
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Continuation Sheet # 2

"I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on _____."

Debtor

Joint Debtor

V. Motion to Avoid Lien Pursuant to 11 U.S.C. § 522(f)

The Bankruptcy Code allows certain liens to be avoided. If a lien is avoided, the claim will not be treated as a secured claim but as an unsecured claim under Section VI(2)(F).

The Debtor moves to avoid the following liens that impair exemptions. Objections to lien avoidance as proposed in this Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan. (Debtor must list the specific exempt property that the lien impairs and the basis of the lien--e.g., judicial lien, nonpurchase-money security interest, etc.)

Creditor / Property subject to lien	Amount of Lien to be Avoided	Remarks
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VI. Specific Treatment for Payment of Allowed Claims

1. PAYMENTS TO BE MADE BY THE DEBTOR DIRECTLY TO CREDITORS, INCLUDING POST-PETITION DOMESTIC SUPPORT OBLIGATIONS

A. Debtor(s) shall pay the following creditors directly. Creditors with claims based on a post-petition domestic support obligation ("DSO"), including all governmental units to which a DSO claim has been assigned, or is owed, or that may otherwise recover a DSO claim, **MUST** be paid directly. Minors should be identified by their initials only. If no DSO creditor is listed, the Debtor represents he/she has no domestic support obligation.

All direct payments listed below shall be made in addition to the Plan payments made by Debtor to the Chapter 13 Trustee as herein set forth. Secured creditors who are paid directly shall retain their liens, and the Debtor(s) shall maintain insurance on the collateral, in accordance with the terms of the documents creating the lien on the collateral.

Creditor / Collateral, if any (including the name of each DSO creditor)	Remarks	Debt Amount	Payment Amount/Interval
Citifinancial Homestead 7525 Benson Dr		\$63,916.00	\$699.00

B. Debtor surrenders the following collateral. Confirmation of the Plan shall operate to lift the automatic stay provided by 11 U.S.C. § 362(a) with respect to the collateral listed, and any unsecured deficiency claim may be filed in accordance with the procedures set forth in the Standing Order Relating to Chapter 13 Case Administration for this Division.

Creditor/Collateral	Collateral to Be Surrendered
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Continuation Sheet # 3

2. PAYMENTS TO BE MADE BY TRUSTEE TO CREDITORS

A. Administrative Expenses

Administrative Expenses shall include the Trustee's commission and debtor's attorney's fees. The Trustee shall receive up to 10% of all sums received. No fees or expenses of counsel for the debtor(s) may be paid until the filing fee is paid in full, and any fees and expenses that are allowed in addition to the fees and expenses originally agreed to be paid, may be paid only after all prior allowed fees and expenses have been paid.

Creditor	Estimated Amount of Debt	Payment Method: before secured creditors, after secured creditors, or along with secured	Remarks
Maynez Law	\$3,200.00	Along With	
United States Bankruptcy Court	\$155.00	Along With	

B. Priority Claims, Including Domestic Support Obligation Arrearage Claims

Creditor	Estimated Amount of Debt	Payment Method: before secured creditors, after secured creditors, or along with secured	Remarks
Internal Revenue Service	\$1,300.00	Along With	

C. Arrearage Claims

Creditor / Collateral	Estimated Claim	Estimated Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks
Citifinancial Homestead 7525 Benson Dr	\$2,850.00	\$32,997.49	Pro-Rata	10.99%	\$3,646.89	

D. Cure Claims on Assumed Contracts, Leases, and Contracts for Deed

Creditor/Subject Property, if any	Estimated Amount of Cure Claim	Monthly Payment or Method of Disbursement	Remarks
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E. Secured Creditors

Secured creditors shall retain their liens on the collateral that is security for their claims until the earlier of the date the underlying debt, as determined under non-bankruptcy law, has been paid in full, or the date of discharge under 11 U.S.C. § 1328. Therefore, if the debtor's case is dismissed or converted without completing of all Plan payments, the liens shall be retained by the creditors to the extent recognized by applicable non-bankruptcy law.

Creditor/Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks (specifically note if claim amount to be paid although greater than value of collateral)
Don Stecker Homestead 7525 Benson Dr	\$2,355.87	\$103,041.00	Pro-Rata	12%	\$3,086.47	Taxes through 2014

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Continuation Sheet # 4

Ovation Lending Homestead 7525 Benson Dr	\$3,771.64	\$100,685.13	Pro-Rata	12.99%	\$5,057.38
Title Max 2006 Hyundai Azera	\$4,715.56	\$5,000.00	Pro-Rata	5.25%	\$5,293.18

F. General Unsecured Creditors (including claims from rejection of contracts, leases and contracts for deed).
Describe treatment for the class of general unsecured creditors.

General Unsecured Creditors will receive approximately 11% of their allowed claims.

Totals:

Administrative Claims	<u>\$3,355.00</u>
Priority Claims	<u>\$1,300.00</u>
Arrearage Claims	<u>\$2,850.00</u>
Cure Claims	<u>\$0.00</u>
Secured Claims	<u>\$10,843.07</u>
Unsecured Claims	<u>\$22,845.84</u>

VII. Supplemental Plan Provisions

The following are the Supplemental Plan Provisions:

Agreed Orders

Agreed Orders shall control in any conflict between Plan provisions and the provisions in the Agreed Orders.

Disposable Earnings

Pursuant to 11 U.S.C. §1322(a)(1) of the Bankruptcy Code, the Debtor(s) shall submit all or such portions of future earnings or other future income of the Debtor(s) to the supervision and control of the Trustee as is necessary for the execution of the Plan. The Debtor(s) shall report to the Trustee any changes in the disposable income disclosed in Schedules I & J that would necessitate the modification of the Plan payment amount.

Authorization to send monthly bills

Creditors who are listed in the plan provisions under VI.1 PAYMENTS TO BE MADE BY THE DEBTOR DIRECTLY TO CREDITORS, INCLUDING POST-PETITION DOMESTIC SUPPORT OBLIGATIONS, shall continue to send monthly billing statements to Debtor(s), and such statements shall not be considered a violation of the automatic but a as a convenience to the Debtor.

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Continuation Sheet # 5

Misfiled and Unfiled Creditors Paid Accordingly

If any secured proof of claim is timely filed for a debt that was either not listed or listed as unsecured, the claim shall be allowed as secured unless, it is objected to. Said claims shall be paid under the plan at 7.75% interest. Likewise, if any priority proof of claim is timely filed for a debt that was either not listed or listed as unsecured, the claim shall be allowed as priority unless it is objected to. Said priority claim shall not be paid with any interest.

Respectfully submitted this date: 7/7/2014.

/s/ Omar Maynez

Omar Maynez
3800 N. Mesa Street, Ste B - 3
EL Paso, Texas 79902
Phone: (915) 532-3327 / Fax: (915) 532-3355
(Attorney for Debtor)

/s/ Joenette Anding

Joenette Anding
7525 Benson Dr.
El Paso, TX 79915
(Debtor)

IN RE: **Joenette Anding**
Debtor

CHAPTER 13

CERTIFICATE OF SERVICE

/s/ Omar Maynez

Citifinancial
xxxxxxxxxxxx1739
605 Munn Road
Fort Mill, SC 29715

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Joint Debtor

CERTIFICATE OF SERVICE

(Continuation Sheet #1)

Comenity Bank/jssclndn
xxxxx6243
Po Box 182789
Columbus, OH 43218

Don Stecker
Linebarger Goggan Blair Sampson
711 Navarro Ste 300
San Antonio, TX 78205

GECU
xxxxxxx9821
Attn: Bankruptcy
PO Box 20998
El Paso, TX 79998

Comenity Bank/lnbryant
xxxxxxxxxxx5859
4590 E Broad St
Columbus, OH 43213

Dsnb Macys
xxxxxxxxx9420
9111 Duke Blvd
Mason, OH 45040

Gemb/walmart
xxxxxxxxxxx2149
Attn: Bankruptcy
PO Box 103104
Roswell, GA 30076

Comenity Bank/Woman Within
xxxxx0078
Attention: Bankruptcy
PO Box 182686
Columbus, OH 43218

Enhanced Recovery Corp
xxxx1242
Attention: Client Services
8014 Bayberry Rd
Jacksonville, FL 32256

Gvt Emp Cu
xxxxxxxxxxx6613
7227 Viscount Blvd
El Paso, TX 79925

Credit Coll Sevs/Liberty Mutual
PO Box 9134
Needham Heights, MA 02494-9134

Ezcorp Online, Inc.
500 Grapevine Hwy Ste 225
Hurst, TX 76054

Internal Revenue Service
Special Procedures Staff - Insolvency
P. O. Box 7346
Philadelphia, PA 19101-7346

Credit Management Lp
xxxx4980
4200 International Pkwy
Carrollton, TX 75007

GECRB/ Dillards
xxxxxxxxxxx6222
Attn: Bankruptcy
PO Box 103104
Roswell, GA 30076

IRS - Special Procedure Staff
Stop 5022 AUS
300 E. 8th Street
Austin, TX 78701

Direct TV, Inc.
P.O. Box Box 29079
Glendale, CA 91221

GECRB/Lowes
xxxxxxxxxxx6968
Attention: Bankruptcy Department
PO Box 103104
Roswell, GA 30076

Joenette Anding
7525 Benson Dr.
El Paso, TX 79915

Discover Fin Svcs Llc
xxxxxxxxxxx6658
Po Box15316
Wilmington, DE 19850

GECRB/ShopNBC
xxxxxxxxxxx6500
Attn: Bankruptcy
PO Box 103104
Roswell, GA 30076

Kohls/capone
xxxxxxxxxxx0570
N56 W 17000 Ridgewood Dr
Menomonee Falls, WI 53051

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CHAPTER **13**

Joint Debtor

CERTIFICATE OF SERVICE

(Continuation Sheet #2)

Mobile Loans
PO Box 1409
Marksville, LA 71351

Texas Loan Co/Cash Central
201 E. Abraham St, Ste 120
Arlington, TX 76010

Ovation Lending
xxxxxx5042
8407 Bandera Road Ste 141
San Antonio, TX 78250

Title Max
TMX Finance of Texas. Inc
7000 Gateway East Blvd
El Paso, TX 79915

Regional Finance Co.
xxxxxxx1801
1620 Delta Drive Ste 2
El Paso, TX 79905

United States Attorney
Internal Revenue Service
601 N. W. Loop 410, Suite 600
San Antonio, TX 78216

Rise
PO Box 101808
Fort Worth, TX 76185

United States Attorney General
Department of Justice
United States Trustee Program
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Shell Oil / Citibank
xxx6328
Attn: Centralized Bankruptcy
PO Box 20363
Kansas City, MO 64195

United States Bankruptcy Court
511 E. San Antonio Ave. Room 444
El Paso, Texas 79901

Speedy Cash
PO Box 101928 Dept 2280
Birmingham, AL 35210

United States Trustee
615 E. Houston, Suite 533
San Antonio, TX 78205

Stuart C. Cox
1760 N. Lee Trevino Drive
El Paso, TX 79936